



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/243,108	02/02/1999	JUDITH E. SCHWABE	08993/008001	2013

7590 04/10/2002

Thelen Reid & Priest LLP  
P O Box 640640  
San Jose, CA 95164-0640

EXAMINER

CHAVIS, JOHN Q

ART UNIT	PAPER NUMBER
----------	--------------

2124

DATE MAILED: 04/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/243,108

Applicant  
Schwabe et al.

Examiner  
John Chavis

Art Unit  
2122



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 15, 2002, Jun 25, 2001 and Oct 16, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-81 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10 & 11
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-15, 28-32, and 55-59 are rejected under 35 U.S.C. 102(e) as being anticipated by McIntyre, as cited in the previous action.

#### Claims

1. A method for downloading code to a resource constrained computer, the code being separable into at least one package having at least one referenceable item, comprising:

Forming the package;

Forming a mapping of the referenceable Item to a corresponding token; and

#### McIntyre

McIntyre provides a system for downloading code, see fig. 1. All computers are considered to be resource constrained in some manner; since, there is no such thing Unlimited storage. McIntyre's system also Provides for packaging data, see the summary of the invention, In reference to the referenceable item, see the headers, which are used to identify the data to respective targets, col. 2 lines 20-65.

See the make process in col. 1 lines 45-55.

see the description files, col. 2 lines 20-31. There is an inherent mapping between the Headers and the respective targets entries, As indicated above (col. 2 lines 20-65). Furthermore, there is a mapping of values (Referenceable items, col. 2 lines 23-24) To tokens. McIntyre further defines Tokens and values in col. 3 lines 43-col. 4 line 65. Mapping again is inherent in Token and target entries specifically Indicated in col. 3 lines 59-65. Furthermore, note that the token specifies The type of target to be built, col. 4 line 12-20 and col. 4 lines 48-65 also lists Tokens with referenceable items. Also, it was standard in the art at the time of

The invention to create separate files to perform separate functions and link the Files as needed. This feature has been specifically indicated via header files and Packaging is synonymous with mapping.

providing the package and the mapping.

This feature is taught via col. 3 line 7-col. 4 Line 65.

The features of claims 2 and 3-5, 55-59 are taught via claims 1 and 2. Claims 55-59 consists of merely the apparatus for implementing the methods of claims 1 and 2.

As per claims 6-15 and 28-32, see the rejection of claim 1. In reference to the tokens belonging to the same token types (claims 6 and 11), see the group resource file (col. 3 lines 43-58). The image portion of claims 7 and 12 is taught via claim 2. The object targets comprises a class/package (col. 4 lines 37-45) and inherently tokens become class/package tokens (see claims 8 and 13). In reference to claims 9-10 and 14-15, the various tokens are considered names of respective items (package, class and fields), see again col. 3 lines 43-58.

Claims 28-32 merely represent the program storage device utilizing the method of claim 1.

As per claims 33-42, see the rejection of claims 6-27.

3. Claims 1-81 are rejected under 35 U.S.C. 102(e) as being anticipated by Kyle, as cited in the previous action.

#### Claims

1. A method for downloading code to a resource constrained computer, the code being separable into at least one package having at least one referenceable item,

#### Kyle

Kyle provides a system for downloading code with instructions, see fig. 2. All computers are considered constrained in some manner; since, there is no such thing

comprising:

As Unlimited storage or resources. Kyle Also provides for packaging data, see the Summary of the invention. In reference to the referenceable item, see the instructions, which Are used to identify how the data is To be used by respective targets, see fig. 8 and col. 1 line 60-col. 2 line 53.

Forming the package;

See the col. 3 lines 27-55.

Forming a mapping of the referenceable Item to a corresponding token; and

see col. 3 lines 55-65, which indicates that Requested data (token) and its corresponding execution instruction (referenceable item). Note also that the items are assembled (mapped) and downloaded. Kyle also utilizes headers (Referenceable items) to identify how Data (tokens) are interpreted, col. 4 lines 33-56 and col. 4 line 66-col. 5 line 32. Also, See figs. 5 and 6, which indicates that the Packaged items are mapped together.

providing the package and the mapping.

This feature is taught via col. 4 line 33-Line 65.

The features of claims 2 and 3-5, 55-59 are taught via claims 1 and 2. Claims 55-59 consists of merely the apparatus for implementing the methods of claims 1 and 2.

As per claims 6-15, 28-32, see the rejection of claim 1. In reference to the tokens belonging to the same token types (claims 6 and 11), see the various format support (col. 2 lines 17-53). The image portion of claims 7 and 12 is taught via claim 2. The object targets comprises a class/package (col. 3 lines 27-39, via objects/packages) and inherently tokens become class/package tokens (see claims 8 and 13). In reference to claims 9-10 and 14-15, the various tokens are considered names of respective items (package, class and fields), see again col. 3 lines

27-39 and lines 56-65..

The features of claims 16 are taught via Kyle's interpreting (translating, col. 7 line 53-col. 8 line 19) function, which indicates what item names could be and what the items could represent (libraries, programs or help files). The features of claims 17-27 are considered standard to object oriented programming and inherent to Kyle's system (col. 3 lines 27-35).

Claims 28-32 merely represent the program storage device utilizing the method of claim 1.

As per claims 33-54 and 60-81, see the rejection of claims 6-27, respectively.

4. Claims 1-2, 28-32, and 55-59 are rejected under 35 U.S.C. 102(e) as being anticipated by Houha, as cited in the previous action.

#### Claims

1. A method for downloading code to a resource constrained computer, the code being separable into at least one package having at least one referenceable item, Comprising:

Forming the package;

Forming a mapping of the referenceable

#### Houha

Houha provides a system for downloading code with linking provided at the destination computers via an inherent referenceable item. This inherently occurs in a constrained area As Unlimited storage or resources are non Existent. Houha provides for packaging data And providing a means for linking (Mapping) appropriate data, see the summary of the invention. In reference to the referenceable item, see the headers. which Are used to identify how the data is to be used by respective targets, see The abstract of the invention.

See the fig. 2.

see col. Fig 3 for the mapping feature and

item to a corresponding token; and

Note again that headers are inherently mapped to file names (tokens).

providing the package and the mapping.

This feature is taught via col. 2 line 32  
- col. 3 line 12.

In reference to claim 2, see the rejection of claim 1, *supra*.

The features of claims 2 and 3-5, 55-59 are taught via claims 1 and 2. Claims 55-59 consists of merely the apparatus for implementing the methods of claims 1 and 2.

Claims 28-32 merely represent the program storage device utilizing the method of claim 1.

#### *Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Chavis whose telephone number is (703) 305-9665. The examiner can

Serial Number: 09/243,108  
Art Unit: 2124

6

Schwabe et al.  
Paper #18

normally be reached on Monday-Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached on (703) 308-4789. The Official Fax Numbers for TC-2100 are:

**After-final (703) 746-7238**

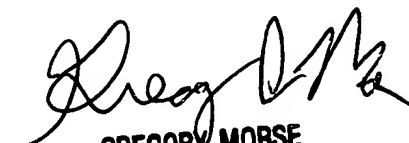
**Official (703) 746-7239**

**Non-Official/Draft (703) 746-7240**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



JQC  
April 8, 2002



**GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**